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REMARKS

Claims 1-12 were pending. Applicants have hereinabove canceled claims 6 and 7, without prejudice or disclaimer, amended claims 1, 2, 5 and 8 to place the claims in better form for examination, and added new claim 13. Applicants maintain that no new matter is presented by this amendment, and request that this Amendment be entered. Accordingly, claims 1-5 and 8-13 are now pending and presented for examination in connection with the subject application, with claims 1, 2 and 13 being in independent form.

Rejection under 35 U.S.C. §112, second paragraph

In section 4 of the July 30, 2003 Office Action, claims 1-12 were rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

The Examiner stated that it remains the Examiner's position that the claim is indefinite for the reasons of record, as set forth in Paper No. 7, mailed July 15, 2002 and maintained in Paper No. 10, mailed December 30, 2002.

The Examiner stated that it remains his position that "dendritic cell culture medium" comprises an undefined term, the metes and bounds of which cannot be determined in the instant context. For example, it is unclear whether the method would encompass a method in which the cells were cultured in a medium such as RPMI 1640 supplemented with GM-CSF and TNF α .

Applicants have hereinabove amended claims 1 and 2 to place the claims in better form for examination. Applicants respectfully submit that the amended claims clearly and distinctly recite the

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subject matter the applicant regards to be the invention.

Accordingly, Applicants respectfully requests that the Examiner reconsider and withdraw the rejection of claims 1-12 under 35 U.S.C. §112, second paragraph.

Rejection under 35 U.S.C. §112, first paragraph

In Section 6 of the July 30, 2003 Office Action, claims 1-12 were rejected under 35 U.S.C. §112, first paragraph, as allegedly containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

The Examiner stated that it remains the Examiner's position that the claim is indefinite for the reasons of record, as set forth in Paper No. 7, mailed July 15, 2002 and maintained in Paper No. 10, mailed December 30, 2002.

The Examiner stated that it remains his position that while the claims are read in light of the specification, it is the claims that defined the invention. The Examiner further stated that by Applicant's logic the claims need recite no limitation at all; in the instant case, "A method for reproducibly generating dendritic cells" would be sufficient. The MPIP makes clear that this sort of claim is not acceptable, "The invention that one skilled in the art must be enabled to make and use is that defined by the claim(s) of the particular application or patent."

The Examiner stated that "A conclusion of lack of enablement means that, based on the evidence regarding each of the above factors [Wands], the specification, at the time the application

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was filed, would not have taught one skilled in the art how to make and/or use the full scope of the claimed invention without undue experimentation.

The Examiner stated that regarding said scope, the invention, as defined by the claims, is not enabled for its full scope. While Applicant argues that the specification discloses adequate guidance such as "exemplary periods of incubation", the single disclosed example cannot support claims reciting such broad limitations as "incubating for a predetermined time period." The Examiner also stated that it is particularly noted that Applicants have chosen not to respond to the specific teaching set forth in the '756 patent regarding the criticality of the length of incubation. The Examiner also stated that Applicants argue that the length of incubation cannot be considered critical because the specification does not disclose it as such. The Examiner further stated that Applicants are advised that the specification is not read in a vacuum but in light of that which is known in the art.

The Examiner stated that by Applicants' logic, claims drawn to biomedical science's equivalent of the perpetual motion machine i.e., the "magic bullet", would be allowable as long as the specification did not raise any doubts as to enablement. The Examiner also stated that an invention cannot be considered simply because of a lack of disclosure.

The Examiner stated that in regards to the failing of the claims to indicate which group of cells is saved and which group is discarded, the lack of the recitation of any time periods or ranges, the lack of the recitation of any specific reagents in the culture medium, and the failing to recite any ratio, or range

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of ratios, of microcarrier beads to culture volume, the rejection has been maintained.

Applicants have hereinabove amended the claims to place the claims in better form for examination.

Applicants maintain that the claimed invention as recited in the amended claims is fully enabled by the specification and the specification reasonably conveys to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 1-12 under 35 U.S.C. §112, first paragraph.

In view of the amendments to the claims and remarks hereinabove, Applicants maintain that claims 1-5 and 8-13 are now in condition for allowance. Accordingly, Applicants earnestly solicit the allowance of the application.

If a telephone interview would be of assistance in advancing prosecution of the subject application, Applicants' undersigned attorneys invite the Examiner to telephone them at the telephone number provided below.

If a petition for an additional extension of time is required to make this response timely, this paper should be considered to be such a petition, and the Commissioner is authorized to charge the requisite fees to our Deposit Account No. 03-3125.

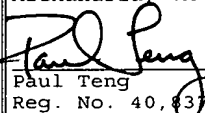
No fee is deemed necessary in connection with the filing of this

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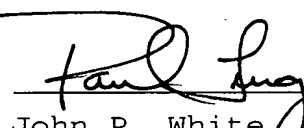
Amendment. However, if any additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


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October 30, 2003
Date


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